

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINJAN LLC,
 Plaintiff,
 v.
 CISCO SYSTEMS INC.,
 Defendant.

Case No. 17-cv-00072-BLF

**ORDER DENYING CISCO'S
 ADMINISTRATIVE MOTION TO
 IMPLEMENT PROCEDURES THAT
 ENSURE A FAIR TRIAL**

[Re: ECF 720]

On September 29, 2020, Defendant Cisco filed an administrative motion to continue the October 19, 2020 jury trial or to implement procedures that ensure a fair trial. ECF 720. Cisco specifically sought to continue the trial to January 2021 or, at the very earliest, to November 2, 2020. ECF 720 at 1. Since the motion was filed, and based in part on COVID-related directives from the United States District Court of the Northern District of California, the Court reset the jury trial to commence on November 2, 2020. *See* ECF 727.

The Court thus focuses solely on Cisco's request that "the Court issue an Order requiring all fact witnesses to testify remotely and that neither party have a corporate representative at counsel table during trial." ECF 720 at 1. Plaintiff Finjan opposes this request, explaining that Finjan's corporate representative has a right to be present in the courtroom and that Cisco's concerns are remediable. *See* ECF 728.

The Court DENIES Cisco's motion. The Court rejects Cisco's argument that its proposal is necessary to ensure a fair trial. Video testimony has long been used when witnesses are not available for in court testimony and it has proved effective. The Court is granting both parties complete discretion to determine which of its witnesses will appear in court and which will appear remotely by video. Any party who wishes to present remote video testimony shall coordinate with

the Court Room Deputy to minimize technical and logistical difficulties.

IT IS HEREBY ORDERED.

Dated: October 8, 2020

A handwritten signature in black ink, reading "Beth Labson Freeman", written over a horizontal line.

BETH LABSON FREEMAN
United States District Judge